

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

JAY MICHAUD,

Defendant.

NO. CR15-05351 RJB

DISCOVERY PROTECTIVE ORDER

(FILED UNDER SEAL)

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Jay Michaud, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. This Protective Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery in the above captioned case, and is identified and marked as "Protected Material."

2. The United States will make available copies of discovery materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Material is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team).

1 3. The attorneys of record and members of the defense team may display and
2 review the Protected Material with the Defendant. The attorneys of record and members
3 of the defense team acknowledge that providing copies of the Protected Material to the
4 Defendant and other persons is prohibited, and agree not to duplicate or provide copies of
5 Protected Material to the Defendant and other persons.

6 4. The United States Attorney's Office for the Western District of Washington
7 is similarly allowed to display and review the Protected Material to lay witnesses, but is
8 otherwise prohibited from providing copies of the Protected Material to lay witnesses, i.e.
9 non-law enforcement witnesses.

10 5. Nothing in this order should be construed as imposing any discovery
11 obligations on the government or the defendant that are different from those imposed by
12 case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal
13 Rules.

14 6. Any Protected Material that is filed with the Court in connection with pre-
15 trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal
16 and shall remain sealed until otherwise ordered by this Court. This does not entitle either
17 party to seal their filings as a matter of course. The parties are required to comply in all
18 respects to the relevant local and federal rules of criminal procedure pertaining to the
19 sealing of court documents.

20 7. The provisions of this Order shall not terminate at the conclusion of this
21 prosecution.

22 8. Any violation of any term or condition of this Order by the Defendant, his
23 attorney(s) of record, any member of the defense team, or any attorney for the United
24 States Attorney's Office for the Western District of Washington, may be held in contempt
25 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by
26 this Court.

1 If the Defendant violates any term or condition of this Order, the United States
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
3 any criminal charges relating to the Defendant's violation.

4 DATED this 10th day of August, 2015.

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7 ROBERT J. BRYAN
8 United States District Judge
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